

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SHEET METAL WORKERS LOCAL 265
WELFARE FUND, *et al.*,

Plaintiffs,

vs.

J AND R INSTALLATIONS, INC.,
an Illinois corporation,

Defendant.

CIVIL ACTION

NO. 07 C 6483

JUDGE ELAINE E. BUCKLO

AFFIDAVIT

STATE OF ILLINOIS)
) SS.
COUNTY OF DUPAGE)

SCOTT P. WILLE, being first duly sworn upon his oath, deposes and says:

1. That he is Administrator and/or Authorized Agent of the SHEET METAL WORKERS LOCAL 265 WELFARE FUND, SHEET METAL WORKERS LOCAL 265 PENSION FUND, SHEET METAL WORKERS LOCAL 265 SAVINGS FUND, SHEET METAL WORKERS LOCAL 265 EDUCATIONAL FUND, SHEET METAL WORKERS LOCAL 265 INDUSTRY FUND and SHEET METAL WORKERS LOCAL 265 SUPPLEMENTAL RETIREMENT PLAN.

2. That he has read the Complaint filed in this cause, and knows of his own personal knowledge the contents of the collective bargaining agreements and Agreements and Declarations of Trust and all facts alleged therein, and if called and sworn as a witness is competent to testify thereto.

3. That he is charged with keeping and maintaining records of contributions received by the Plaintiff Funds, maintains individual records on each person, firm and corporation required to make contributions to said Plaintiff Funds, receives and records contribution reports made by such persons, firms or corporations, and has under his supervision and direction all books, records, documents and papers relating to such Plaintiff Funds.

4. That he has examined the account of Defendant in the above-entitled cause, and states that said Defendant:

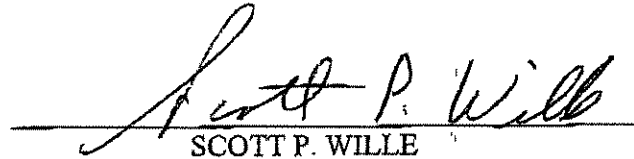
- (a) is required to make monthly contribution reports under the terms of the aforesaid collective bargaining agreement;
- (b) has submitted monthly contribution reports for the months of August 2007 through December;
- (c) remitted \$24,631.64 toward contributions and liquidated damages for August 2007 through November 2007;
- (d) submitted its December 2007 report (a copy is attached hereto). After application of a partial payment of \$1,328.96, which was applied toward the December 2007 contributions, Defendant is still delinquent in contributions to the Funds in the amount of \$5,813.24.

5. That pursuant to the Trust Agreements he has assessed a liquidated damages surcharge against the Defendant in the amount of ten (10%) percent of all contributions due and unpaid and all contributions which were paid late, for the month of December 2007, in the amount of \$581.32.

6. That he is duly authorized by Plaintiffs in this behalf, has personal knowledge of the matters set forth above and if called as a witness in this cause is competent to testify thereto.

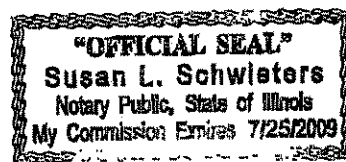
7. That he makes this Affidavit in support of the application of Plaintiffs for judgment and requests this Court to consider the same as proof in support of the allegations contained in the Complaint of the Plaintiffs and such other facts herein set forth.

FURTHER AFFIANT SAYETH NOT.


SCOTT P. WILLE

SUBSCRIBED AND SWORN
TO before me this 11th
day of February 2008.


NOTARY PUBLIC



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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Affidavit of Scott P. Wille) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 14th day of February 2008:

Sheldon L. Lebold
Sheldon L. Lebold & Associates, Ltd.
16061 S. 94th Avenue
Orland Hills, IL 60487

I further certify that I sent the above-referenced document on or before the hour of 4:00 p.m. this 14th day of February 2008, via facsimile, to:

Sheldon L. Lebold
Sheldon L. Lebold & Associates, Ltd.
16061 S. 94th Avenue
Orland Hills, IL 60487
(708) 349-6628

/s/ Beverly P. Alfon

Beverly P. Alfon
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